# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PATENT TRANSMITTAL FORM

Applicant:

**Richard Anderson** 

Docket No.: AND001USU

Serial No.:

**TBA** 

Filed: March 10, 2004

Per

Secure Necktie

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## Transmitted herewith is:

- 1. Patent Application including Specification (8 pgs), Claims (nos. 1-7) and Abstract
- 2. Informal Drawings (Figs. 1-7)
- 3. Declaration and Power of Attorney
- 4. Small Entity Statement
- 5. Check in the amount of \$ <u>385.00</u>
- 6. Postcard
- 7. Duplicate copy of this letter
- 8. New Patent Application Transmittal

Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. 07-2162 in the name of Grimes & Battersby. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: March 10, 2004

James G. Coplit Reg. No. 40,571

Grimes & Battersby, LLP 488 Main Avenue, Third Floor Norwalk, Connecticut 06851

(203) 849-8300

### **CERTIFICATE OF EXPRESS MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL, POST OFFICE TO ADDRESSEE, CERTIFICATE NO. <u>EV123842948US</u> IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON March 10, 2004

JAMES G. COPLIT
NAME OF REGISTERED
REPRESENTATIVE

SIGNATURE

3/10/04 DATE



### **PATENT**

Docket No.	AND001USU	

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450

NEW APPLICATION TRANSMITTAL
Transmitted herewith for filing is the patent application of Inventor(s): Richard Anderson
WARNING. Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41(a) and 1.53(b).
For (title): Secure Necktie
1. Type of Application
This new application is for a(n) (check one applicable item below):
<b>⊡</b> Original
☐ Design
☐ Plant
WARNING. Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S. C 371 (c)(4) unless the International Application is being filed as a divisional, continuation or continuation-in-part application.
NOTE: If one of the following 3 items apply then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION
☐ Divisional
Continuation
☑ Non-Provisional App.
CERTIFICATION UNDER 37 CFR 1.10  I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being

deposited with the United States Postal Service on this date <u>March 10, 2004</u> in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number <u>EV123842948US</u> addressed to the: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

James G. Coplit
(Type or print name of person mailing) paper)

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1. 10(b).

2. Bene	fit of Prior U.S. Application(s) (35 USC 120)
!	If the new application being transmitted is a divisional continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEWAPPLICATION TRANSM17TAL WHERE BENEFIT OF PRIOR U S APPLICATION(S) CLAIMED.
(	The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.
	rs Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 1.153 (Design) Application
	Pages of specification
3	Pages of claims (Nos. 1-7)
1_	Pages of Abstract
3	Sheets of drawing (FIGs. 1-7)
	formal
	☑ informal
WARNI	NG: DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).
NOTE:	"Identifying indicia such as the serial number, group and unit, title of the Invention, attorney's docket number, inventor's name, number of sheets, etc., not to exceed 2 3/4 inches (7.0 cm.) in width may be placed in a centered location between the side edges within three fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(I). Notice of March 9, 1988 (1090 O.G. 57-62).
I. Addi	tional papers enclosed
	Preliminary Amendment
	Information Disclosure Statement (37 CFR 1.98)
口	Form PTO-1449
	Citations
	Declaration of Biological Deposit
	Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☐ Other

5.	Decla	ratio	on or oath		
	✓ Enclosed				
		exe	ecuted by (check all applicable boxes)		
		Y	inventor(s).		
			legal representative of inventor(s). 37 CFR 1.42 or 1.43		
			joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.		
			this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.		
		No	t Enclosed.		
	WARNII	a Ir c	Where the filing is a completion in the U.S. of an International Application but where a declaration is no vailable or where the completion of the U.S. application contains subject matter in addition to the international Application the application may be treated as a continuation or continuation-in-part, as the ase may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.		
		口	Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). (The declaration or oath, along with the surcharge required by 32 CFR 1. 16(e) can be filed subsequently).		
	NOTE:	It is in	nportant that all the correct inventor(s) are named for filing under 37 CFR 1. 4 I(c) and 1. 53(b).		
			Showing that the filing is authorized. (Not required unless called into question. 3: CFR 1. 4 I(d).		
6.	Inver	tors	hip Statement		
	WARNII		the named inventors are each not the inventors of all the claims an explanation, including the ownership If the various claims at the time the last claimed Invention was made, should be submitted.		
	The in	vento	orship for all the claims in this application are:		
	V	The	e same		
			or		
			not the same. An explanation, including the ownership of the various claims at the time the claimed invention was made,		
			is submitted.		
			will be submitted.		
7.	Lang	uage			
	•	An a Engli CFR	opplication including a signed oath or declaration may be filed in a language other than English. A verified is translation of the non-English language application and the processing fee of \$130.00 required by 3 1. 17(k) is required to be filed with the application or within such time as may be set by the Office. 3 1.52(d).		
	NOTE:		n-English oath or declaration in the form provided or approved by the PTO need not be translated. 3: 1.69(b).		
	区	Eng	glish		
		nor	n-English		
		П	the attached translation is a verified translation, 37 CFR 1 52(d)		

8. Assigr	nment						
	An assignme	ent of th	ne inven	tion to			
		IPANYI					NMENT (DOCUMENT) DRM PTO 1906 is also
	□ Will follo	W.					
				h a new applicati May 4, 1990 (111		eparate letters	one for the application and
9. Certific	ed Copy						
Certified	copy(ies) of	fapplica	ations)				
(c	ountry)			(appln. no	.)		(filed)
(с	ountry)			(appln. no	.)		(filed)
(c	ountry)			(appln. no	.)		(filed)
from whicl	n priority is c	laimed					
	is(are) attacl						
*******	will follow.						
	The foreign appl 17 CFR 1,55(a)			basis for the clai	m for priority M	ust be referred	to in the oath or declaration.
NOTE: 7 a e	This item is for pplication or In	any forei ternation ty from a	ign priority al Applica prior fore	tion from which t	his application hen complete it	claims benefit em 18 on the	relates. If any parent U.S. under35 U.S.C. 120 is itself ADDED PAGES FOR NEW N(S) CLAIMED.
10. Fee C	alculation (	37 CFF	R 1.16)				
A. <b>5</b>	Regular a	applicati	ion				
Nun	nber filed		Nu.	CLAIMS AS mber Extra		Rate	Basic Fee
	- Inco					Nate	37 CFR 1. 16(a) \$770.00
Total Claims (37 (	CFR 1.16(c))	7	-20=	0	x	\$ 22.00	- 0 -
Independen Claims (37 (	t CFR 1.16(b))	2	-3=	0	x	\$ 74.00	- 0 -
Multiple der (37 CFR 1.1	pendent claim( 6(d))	s), if any				\$230.00	
	Amendment	cancel	ling extr	a claims encl	osed.		
<del></del>			_	le-dependend		1.	
	Fee for extra	a claims	is not t	peing paid at t	his time.		
to		of the tir	ne period				ncelled by amendment, prior k Office in any notice of fee

770.00

Filing Fee Calculation

		Total f	ees enclosed		\$	385.00
NOTE:	com <sub>l</sub> 78, ii	plete the application pundicate that in order to	rsuant to 37 CFR 1.53( obtain the benefit of a p	f retaining any application v d) and this, as well as the c rior U.S. application, either t be paid within I year from i	hanges to the basic	o 37 CFR 1. 53 and 1. filing fee must be paid
	口	fee for internation 37 CFR 1.21 (e))	nal-type search repo	ort (\$35.00;	\$	
		p	etention fee R 1.53(d) and 1.21(	1))	\$	
		1.17(k)	application with a non-English 00; 37 CFR 1.52(d)	and	\$	
		petition fee for fili than all the inven on behalf of the ir inventor refused to be reached. (\$13 1.47 and 1.17(h))	tors or person nventor where to sign or cannot 0.00; 37 CFR		\$	
		recording assignr (\$40.00; 37 CFR			\$	
	V	basic filing fee			\$	385.00
V	En	closed				
			be paid at this time aid subsequently.)	e. (This and the surch	arge re	quired by 37 CFR
1	No	t Enclosed				
	. •	ment Being Made	At This Time			
<b>J</b>			ternational-type sea on the merits takes	arch report for this app place.	olication	at the time when
				CFR 1.104(d)) <i>(compl</i>		
NOTE:			paid will be refunded if a payment of a full fee. 3	n verified statement and a r 7 CFR 1.28(a).	refund red	quest are filed within 2
		_	n (50% of <b>A, B</b> or <b>C</b>	·	\$	385.00
V	• •	rified Statement(s) e) attached.	that this is a filing	by a small entity unde	er 37 CF	R 1.9 and 1.27 is
11. Sma	all Eı	ntity Statement(s)	1			
			Filing Fee Calcula	tion	\$	
C.		Plant application (\$460.00-37 CFR	1.16(g))			
			Filing Fee Calcula	tion	\$	
Ð.		Design application (\$280.00-37 CFR				

14. Metr	nod of Payment of Fees
区	Check in the amount of \$
	Charge Account No. <u>07-2162</u> in the amount of \$ A duplicate of this transmittal is attached.
NOTE:	Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).
15. Auth	orization to Charge Additional Fees
WARNIN	IG: If no fees are to be paid on filing the following items should not be completed.
WARNIN	IG: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.
区	The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. <u>07-2162</u> .
	☑ 37 CFR 1. 1 6(a), (f) or (g) (filing fees)
	☐ 37 CFR 1. 1 6(b), (c) and (d) (presentation of extra claims)
	Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1. 16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.
	37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
	☑ 37CFR1.17(application processing fees)
WARNIN	While 37 CFR 1. 17(a), (b), (c) and (d) deal with extensions of time under § 1. 136(a) this authorization should be made only with the knowledge that "Submission of the appropriate extension fee under 37 C.FR. 1. 136(a) is to no avail unless a request or petition for extension is filed. " (Emphasis added) Notice of November 5, 1985 (1060 0. G. 27).
	☐ 37 CFR 1. 1 8 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.31 1 (b))
	Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.31 I(b).
	37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application prior to paying, or at the time of paying, issue fee" ' From the wording of 37 CFR 1.28(b) (a) -notification of change of status must be made even if the fee is paid as "other than a small entity" and (b, no notification is required if the change is to another small entity.
16. Instr	ructions As To Overpayment
区	credit Account No. 07-2162 .
	refund
Reg. No.	40,571 SIGNATURE OF ATTORNEY
Tel. No. (	203) 849-8300 James G. Coplit  Type or print name of attorney
·	488 Main Avenue, Third Floor P.O. Address

Norwalk, Connecticut 06851

Y	Incorp	oration by reference of added pages
		Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED
	v	Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed
		Number of pages added4
	厂	Plus Added Pages For Papers Referred To In Item 4 Above  Number of pages added
		Plus "Assignment Cover Letter Accompanying New Application"  Number of pages added
	Statem	nent Where No Further Pages Added
		(If no further pages form a part of this Transmittal then end this Transmittal with this page and check the following item)
	口	This transmittal ends with this page.

## ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

NOTE: "In order for an application to claim the benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112." 37 CFR 1.78(a).

NOTE: "In addition the prior application must be (1) complete as set forth in § 1.51, or (2) entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1. 16, or (3) entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21 (/) within the time period set forth in § 1. 53(d). "37 CFR 1. 78(a).

NOTE: "Any application claiming the benefit of a prior filed copending national or international application must contain

#### 17. Relate Back - 35 U.S.C. 120

or be amended to contain in the first sentence of the specification following the title a reference to such prior application identifying it by serial number and filing date or International application number and international filing date and indicating the relationship of the applications." 37 CFR 1. 78(a). See also the Notice of April 28, 1987 (1079 O. G. 32 to 46). Amend the Specification by inserting before the first line the sentence: "This is a continuation continuation-in-part Non-provisional based on copending provisional application(s) serial number 60 / 455,920 filed on March 19, 2003 ☐ International Application filed on and which designated the U.S." NOTE: The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the US.

NOTE: (1) Where the application being transmitted adds subject matter to the International Application then the filing can be as a continuation-in-part or (2) it is desired to do so for other reasons, e.g. where no declaration is available, no English translation is available or no fee is to be paid on filing then the filing can be as a continuation. In these cases the International Application designating the U.S. is treated as the parent case in the U.S. and is an alternative to the completion of the International Application under 35 U.S.C. 371(c)(4) which must meet the requirements of 37 CFR 1.61(a). This alternative permits the completion of the filing requirements within any term set by the PTO under 37 CFR 1.53(d) to which the extension provisions of 37 CFR 1. 136(a) apply. (Whereas, if the filing is as an international application entering the U.S. stage then the fee, declaration and/or English translation (where necessary) is due within 20 months of the priority date but can be paid within 32 months of the priority date (or is due within 30 months of the priority date but can be submitted within 32 months of the priority date) with the surcharges set forth in 37 CFR 1.492(e), (f) and 37 CFR 1.495(c),- however, the provisions of 37 CFR 1.136 do not apply to this 22 or (32 month) period. 37 CFR 1.61(b).)

NOTE. The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 0. G. 32 to 46) as follows:

"The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of § 1.494 and paragraph (i) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application. "

## 18. Relate Back – 35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17, in turn itself claim(s) foreign priority (ies) as follows:

	country	appl no.	filed on
Th	e certified copy (ies) has (hav	ve)	
		in prior application 0 /	which was filed
	on	<del></del>	
	is (are) attached		
WARNI	International Bureau may not application in the continuing a communicated by the International stage is expensive to the certified copie application. An alternative we transfer them to the continuin folders, make suitable record copies in the Continuing App	rity application which may have been controlled by the relied on without any need to file oplication. This is so because the certificational Bureau is placed in a folder and is not not a supposed of it is a may not be available if needed later in ould be to physically remove the priority not application. The resources required notations, transfer the certified copies, education are substantial Accordingly, the in have not entered the national stage may.	e a certified copy of the priority ed copy of the priority application not assigned a U.S. serial number the national stage is not entered. In the prosecution of a continuing documents from the folders and to request transfer, retrieve the enter and make a record of such priority documents in folders of
19. Mair	ntenance of Copendency of	Prior Application	
NOTE:	The PTO finds it useful if a copy of filed with the papers constituting the 0. G. 27).	the petition filed in the prior application e e filing of the continuation application. N	extending the term for response is otice of November 5, 1985 (1060
А. 🗆	Extension of time in prior ap	pplication	
(This		the papers filed in <b>the prior app</b> le e prior application has run)	lication if the period set in
<b></b>	A petition, fee and respon	se extends the term in the pend	ding <b>prior</b> application until
	☐ A <b>copy</b> of the petition fi	led in prior application is attached	I
в. 🏻	Conditional Petition for Exte	ension of Time in Prior Application	1
	(complete this	item if previous item not applicat	ole)
	A conditional petition for application.	extension of time is being fil	ed in the pending <b>prior</b>
	☐ A <b>copy</b> of the condition	al petition filed in the prior applica	tion is attached
20. Furt	her Inventorship Statement	Where Benefit of Prior Applica	ation(s) Claimed
NOTE:		part, or divisional application is filed by le	

NOTE: "If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application." 37 CFR 1.62(a) [emphasis added]. (dealing with the file wrapper continuation situation).

NOTE: "In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter

disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application.™ 37 CFR 1.60(c). (dealing with the continuation situation).

## (complete applicable item (a), (b) and/or (c) below)

(a)		This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
		☐ the same
		less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted:
		(Type name(s) of inventor(s) to be deleted)
(b)		This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application the inventor(s) in this application are
		☐ the same
		the following additional inventor(s) have been added
	•	(Type name(s) of inventor(s) to be added)
(c)	V	The inventorship for all the claims in this application are
	豆	the same
	口	not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made
		is submitted
		☐ will be submitted
21.	Aba	ndonment of Prior Application (if applicable)
		Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.
NC		According to the Notice of May 13, 1983 (103, TMOG 6-7) the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.
22.	Petit	ion for Suspension of Prosecution for the Time Necessary to File an Amendment
WA	\ <i>RNIN</i>	IG: "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application,

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

ff they had been entered in the earlier application." MPEP, § 706.07(b).

> and (b) would have been properly finally rejected on the grounds of art of record in the next Office action

(check the next item, if applicable)

□ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

□ A notification of the filing of this (check one of the following)

□ continuation
□ continuation
□ divisional

is being filed in the parent application from which this application claims priority under 35 USC §

120.